

REMARKS

Claims 1-9 are pending in this application. In this Amendment, claim 5 has been amended to replace the recitation “audio set” with --audio input--. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for this amendment can be found in, for example, Fig. 3 and relevant description.

Claim 5 has been rejected under 35 U.S.C. 112, second paragraph.

The Examiner asserted that claim 5 recites input/output means including “an audio set” which has no specific meaning in the art and is not defined in the disclosure, thereby rendering the claim indefinite. In response, claim 5 has been amended to recite an “audio input” based on Fig. 3 (see inputs to an input/output I/F 32). It is submitted that this term has specific meaning and defined in the disclosure. Therefore, withdrawn of this rejection is respectfully solicited.

Claims 1-4 and 6-8 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Chang et al. in view of Yamashita.

In the statement of the rejection, the Examiner admitted that Chang et al. does not teach an internet phone interface including a signal processing unit for transmitting a telephonic signal having a sound level adjustable to listening of a user to a telephone. The Examiner then cited Yamashita, asserting that the reference teaches the missing feature, and concluded that it would have been obvious to modify Chang’s apparatus based on the teachings of Yamashita for the purpose of providing sufficient speech quality in noisy environments.

Applicant submits that the Examiner has not established a *prima facie* basis to deny patentability to the claimed invention under 35 U.S.C. §103 for lack of the requisite factual basis.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Chang et al. in view of Yamashita, either individually or in combination, do not teach or suggest each and every limitation of independent claim 1.

Chang et al. is related to an apparatus for selectively connecting a telephone to a telephone network or the Internet. As mentioned in the Office Action, the reference purportedly teaches the claimed limitations except an adjustable sound level. The secondary reference, Yamashita, relates to a device for automatically controlling sound volume in a communication apparatus. Yamashita teaches obtaining sufficient speech quality even in noisy surroundings by discriminating a speech signal from background noise (see Abstract).

Based on Applicant's study of these references, it is submitted that Chang et al. does not teach an Internet phone interface card including "a ring signal generator detecting a telephonic signal transmitted from the LAN or Internet, generating a ring signal and transmitting it to the general telephone," recited in claim 1 (emphasis added). Moreover, it is apparent that Yamashita does not cure this deficiency of Chang et al.

The Examiner asserted that Chang et al. in column 10, lines 24-30 teaches the above claimed limitation. The Examiner said that Chang et al. discloses audibly notifying the user of an incoming Internet call and coupling the telephone to receive the call. However, Chang et al. states, "If the user receives an incoming call on the first line, interface 38 notifies the user of the presence of the incoming call via speaker 41" (column 10, lines 24-25) (emphasis added). This scheme is different from what is claimed. That is, notifying the user of the presence of the incoming call via speaker 41 in Chang et al. is different from generating a ring signal and transmitting it to the general telephone in claim 1. Chang et al. is silent on generation of a ring

signal and transmission of the ring signal to a general telephone “[i]f the user receives an incoming call on the first line.”

Thus, consideration of the teachings of Chang et al. in view of Yamashita, either individually or in combination, would not have taught or suggested each and every limitation of independent claim 1 within the meaning of 35 U.S.C. §103. Dependent claims 2-4 and 6-8 are also patentable at least because they include all the limitations recited in claim 1. Applicant, therefore, solicits withdrawal of the rejection of claims 1-4 and 6-8, and favorable consideration thereof.

Claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Chang et al. in view of Yamashita and further in view of Mousel (Business Wire), and claim 9 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Chang et al. in view of Yamashita and further in view of Ohtsuka et al.

In response, Applicant respectfully traverses these rejections at least because claim 1, upon which claims 5 and 9 depends, is patentable for the reason set forth above, and the deficiency identified is not taught by Ohtsuka. Therefore, it is submitted that dependent claims 5 and 9 are also patentable.

Conclusion.

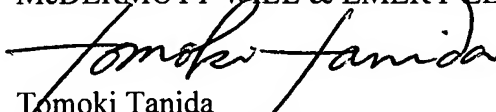
It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

Application No.: 10/026,562

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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